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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 3-08-70172 JCS
15 Plaintiff,)
16 v.)
17 FRANCISCO ROMERO VIAN,)
18 Defendant.)
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)
STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
MARCH 28, 2008 THROUGH APRIL 24,
2008

20 On March 28, 2008, the parties in this case appeared before the Court for an initial
21 appearance on the criminal complaint. The defendant was released on a \$50,000, unsecured
22 personal recognizance bond. At that time, and the parties requested and the Court agreed to set
23 the preliminary hearing for April 24, 2008. The parties further stipulated that pursuant to
24 Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be
25 excluded from March 28, 2008 through April 24, 2008. The parties agree that – taking into
26 account the public interest in prompt disposition of criminal cases – good cause exists for this
27 extension. Defendant also agrees to exclude for this period of time any time limits applicable
28 under Title 18, United States Code, Section 3161. The parties represented that granting the

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1 continuance was the reasonable time necessary for continuity of defense counsel and effective
2 preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C.
3 § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
4 continuance outweighed the best interests of the public and the defendant in a speedy trial. See
5 18 U.S.C. § 3161(h)(8)(A).

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7 SO STIPULATED:

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JOSEPH P. RUSSONIELLO
United States Attorney

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/s/ Derek Owens

10 DATED: 4/22/2008

DEREK R. OWENS
Assistant United States Attorney

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4/23/2008

/s/ Steven Teich

13 DATED: 4/23/2008

STEVEN EMERY TEICH
Attorney for Mr. Vian

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15 For the reasons stated above, the Court finds that an exclusion of time from March 28,
16 2008 through April 24, 2008 is warranted and that the ends of justice served by the continuance
17 outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C.
18 §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the
19 defendant of continuity of counsel and would deny defense counsel the reasonable time
20 necessary for effective preparation, taking into account the exercise of due diligence, and would
21 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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23 SO ORDERED.

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DATED: April 23, 2008

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